

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 8096 OF 2007(L)

RCRP.1/2007 OF SUB COURT, CHERTHALA

PETITIONER:

SUMATHY, PUTHENKARIYIL,
THANNEERMUKKOM P.O., CHERTHALA.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS:

1. SANTHAKUMAR, S/O KURUNAKARAN,
PARIYARAVELIYIL, THANEERMUKKOM,
CHERTHALA.

ADDITIONAL RESPONDENTS NO:-

2. P.K. RAJU, DO. DO.
3. MURALEEDHARAN, DO. DO.
4. SASIKUMAR, DO.DO.
5. SOMAN, DO.DO.
6. MANILAL, DO.DO.
7. PURUSHOTHAMAN,
JIJU BHAVANAM, THANNEERMUKKOM, CHERTHALA.
8. KANCHANAVALLY AMMA, W/O. CHANDRAN,
JANAVALLY VEEDU, T.V. PURAM P.O., VAIKOM.

:2:

9. PENNAMMA ALIAS PONNAMMA, W/O. MOHANAN, ILLIKKAL VEEDU,
KUTHIATHODE PANCHAYATH, CHERTHALA.
10. LEELA, KOOTTUNKAL, WARD NO. 10, MARARIKKULAM NORTH
PANCHAYATH, CHERTHALA.
1. CHANDRIKA, W/O. MOHANDAS, THATTAMKUNNAL,
KADAKKARAPPALLY P.O., CHERTHALA.

(ADDL. RESPONDENTS 2 TO 11 ARE IMPEADED AS PER ORDER
DATED 15.3.2007 ON I.A. 3991/2007)

BY ADV. SRI.B.KRISHNA MANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 A TRUE COPY OF THE JUDGMENT IN CRP NO. 2681/2001
 OF THIS COURT DATED 20.10.2004.
- EXT.P2 A TRUE COPY OF THE ORDER OF TE PRINCIPAL
 MUNSIFF'S COURT, CHERTHALA IN E.A. NO. 828/2006 IN
 RCP 17/91 DATED 11.1.2007.
- EXT.P3 A TRUE COPY OF THE RCRP NO. 1/2007 DATED 30.1.2007
 OF TE SUB COURT, CHERTHALA.
- EXT.P4 A TRUE COPY OF THE STAY PETITION FILED IN RCRP
 NO. 1/2007 OF THE SUB COURT, CHERTHALA DATED
 30.1.2007.

RESPONDENTS' EXHIBITS:

NIL.

// TRUE COPY //

P.S. TO JUDGE.

knc/

P.R. RAMAN & ANTONY DOMINIC, JJ.

=====

WP(C) NO. 8096 OF 2007

=====

DATED THIS, THE 22ND DAY OF MARCH, 2007.

J U D G M E N T

Raman, J.

This writ petition has been filed by the landlord who sought eviction of the building by filing R.C.P. 17/1991 before the Rent Control Court, Cherthala. Eviction was ordered which was confirmed ultimately by this Court in C.R.P. 2681/2001, as evidenced by Ext.P1 order dated 20.10.2004 produced herein. Subsequently, a partition was effected in the family of the landlords and separate shares were allotted. Execution Petition was filed by the petitioner herein seeking delivery. Though an application for review was filed by the first respondent herein, the same was stated to have been dismissed against which a revision is filed as R.C.P. 1/2007 before the Sub Court, Cherthala. Ext.P3 is the copy of the said revision filed by the first respondent herein in which respondents 2 onwards are parties besides the landlords who have already entered appearance. But since the respondents herein are only supporting the case of the petitioner therein, obviously in order to delay the final adjudication of the dispute between the parties, it is apprehended that they are avoiding service of notice. In such circumstances, petitioner seeks for appropriate direction for expeditious

disposal of the petition.

2. In order to ascertain the bona fides, though original respondents 2 onwards were not made parties, this Court asked the petitioner to implead the other respondents in the RCRP now pending before the Sub court, Cherthala and accordingly, an application was moved and all of them were served notice in this writ petition. 7th respondent alone chose to appear through counsel. Though others have also accepted notice, there is no appearance. It has to be noticed that the notice itself was served on them through Special Messenger. This would indicate that the apprehension expressed by the petitioner is true.

3. In such circumstances, after hearing both sides, we direct the Sub Court, Cherthala to hear and dispose of RCRP 1/2007 pending before it as expeditiously as possible. In case service of notice is not complete in that proceeding, the court below shall proceed to hear and dispose of the matter on 28.3.2007. No fresh notice need be issued in this behalf. Taking in to account the fact that the parties have already accepted notice in this proceeding through special messenger, we direct the parties to appear before the court below on 28th March, 2007.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

ANTONY DOMINIC,
(JUDGE)

knc/-